

SERVICE DATE – LATE RELEASE MAY 9, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-295 (Sub-No. 6X)

THE INDIANA RAIL ROAD COMPANY—ABANDONMENT EXEMPTION—
IN MONROE COUNTY, IN

Decided: May 9, 2006

The Indiana Rail Road Company (INRD) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 2.44-mile portion of its Ellettsville Branch from milepost Q216.13 near Loesch Road to the end of the line at Ellettsville, milepost Q213.69, in Monroe County, IN. Notice of the exemption was served and published in the Federal Register on April 15, 2005 (70 FR 19987-88). By decision and notice of interim trail use or abandonment (NITU) served on May 17, 2005, the proceeding was reopened and a 180-day period was authorized for the Monroe County Parks and Recreation Department (the County) to negotiate an interim trail use/rail banking agreement with INRD for the right-of-way involved in this proceeding.¹ By decision served November 8, 2005, the NITU negotiating period was extended until May 13, 2006.

On April 28, 2006, INRD and the County filed a joint request for a 180-day extension of the NITU negotiating period. The parties state that unexpected issues have arisen which have delayed the conclusion of a trail use agreement.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).² Accordingly, the NITU negotiating period will be extended for an additional 180 days from May 13, 2006.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ The decision and notice also made the exemption subject to several environmental conditions.

² See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. The parties' request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended for 180 days until November 9, 2006.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary